

**WEST VIRGINIA
SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Department of Administration TITLE NUMBER: 148

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 17

TITLE OF RULE BEING PROPOSED: Waste Disposal of State Property

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) House Bill 2616

SECTION 64-2-1(a), PASSED ON March 8, 2007

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2007


Authorized Signature

TITLE 148
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION

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SERIES 17
WASTE DISPOSAL OF STATE PROPERTY

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§148-17-1. General.

- 1.1. Scope. - This rule explains and clarifies operative procedures for the disposal of commodities as waste.
- 1.2. Authority. - W. Va. Code, §5A-3-45.
- 1.3. Filing Date. - May 15, 2005
- 1.4. Effective Date. - July 1, 2007

§148-17-2. Definitions.

As used in this rule, all terms have the same meanings provided in W.Va. Code §§5A-1-1 *et seq.* and §§5A-3-1 *et seq.*, In addition:

- 2.1. "Director" means the Director of the Purchasing Division of the Department of Administration.
- 2.2. "Waste" means a commodity with a value less than the benefit that can be realized through any authorized method of property disposal.
- 2.3. "Landfill" means a facility approved by the Department of Environmental Protection to accept waste for disposal.

§148-17-3. Applicability.

- 3.1. This rule applies to all spending units of state government except those statutorily exempted. Exempted spending units may elect to follow this rule.
- 3.2. All requests for disposal of assets as waste under this rule must be approved by the Director of the Purchasing Division, or a designee.

§148-17-4. Procedures.

- 4.1. State assets shall be disposed of exclusively through the state agency for surplus property.
- 4.2. The requesting agency shall submit a "Surplus Property Retirement Form" (WV-103) to the state agency for surplus property.
- 4.3. The state agency for surplus property shall evaluate the recommendation of the requesting agency to determine if inspection of the property is necessary.

- 4.4 The state agency for surplus property may determine that a physical inspection is not required when any of the following conditions exist:
- 4.4.a. The documentation for the request is complete and sufficient to allow a determination to be made;
 - 4.4.b. The item was destroyed in a known natural disaster, accident or other occurrence; or,
 - 4.4.c. The value of the item is such that disposal as waste is in the best interest of the State.
- 4.5 If the state agency for surplus property deems a physical inspection of the state property is warranted, an employee of the state agency for surplus property will visit the agency to gather information on the property condition.
- 4.5.a A physical inspection may be performed if the following conditions exist:
- 4.5.a.1 The written description of the asset to be disposed of is incomplete and/or insufficient to make a determination;
 - 4.5.a.2 The relative age of the asset would indicate that under normal circumstances the asset would retain value; and,
 - 4.5.a.3 The volume of the assets being disposed of at any given time may have a greater total value to warrant another authorized method of disposal.
- 4.6 After proper documentation has been completed and, if necessary, a physical inspection conducted, the state agency for surplus property shall determine the approved disposal method of the commodity.
- 4.7 The state agency for surplus property has the right to take possession of any commodity retired as waste and provide disposal using any other method, in accordance with §5A-3-45.
- 4.8 If the state agency for surplus property determines within fifteen (15) days of receiving a commodity that it must be disposed of as waste, any costs related to that disposal are the responsible of the agency retiring the commodity.